

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA



CHARLES L. NAIL, JR.
CLERK

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REPLY TO: SIOUX FALLS

September 19, 2005

Subject: **Changes to the Bankruptcy Court Miscellaneous Fee Schedule**

Dear Member of the Bankruptcy Bar:

Enclosed please find a revised Schedule of Fees to replace the Schedule of Fees in your copy of the Local Bankruptcy Rules.

The revised Schedule incorporates the increase in the fee for filing an adversary proceeding that is effective **September 20, 2005** and corrects typographical errors in the explanations of the fee for filing a notice of appeal and the fee for filing a cross appeal.

Sincerely,

A handwritten signature in blue ink, reading "Charles L. Nail, Jr.", is positioned below the word "Sincerely,".

Charles L. Nail, Jr.
Clerk, U.S. Bankruptcy Court

SCHEDULE OF FEES

The Clerk of the Bankruptcy Court will collect the following fees. The Clerk will not charge fees for services rendered on behalf of the United States, with the exception of those specifically prescribed in items (12), (13), (16), (17), (18), and (21), or on behalf of federal agencies or programs that are funded from judiciary appropriations, including but not limited to, agencies, organizations and individuals providing services authorized by the Criminal Justice Act. **Except as otherwise noted below, these fees are fully earned upon receipt by the Clerk and may not be waived or refunded.**

(1) For commencing a case under:

Chapter 7	\$ 209.00
Chapter 9	\$ 839.00
Chapter 11 (non-railroad)	\$ 839.00
Chapter 11 (railroad)	\$1,039.00
Chapter 12	\$ 239.00
Chapter 13	\$ 194.00

The chapter 7 fee includes the filing fee, an administrative fee (\$39), and a trustee surcharge (\$15). All other chapter fees include the filing fee and an administrative fee (\$39).

(2) For converting a case from:

Chapter 7 to Chapter 11 (debtor's motion)	\$ 645.00 ¹
Chapter 13 to Chapter 11 (debtor's motion)	\$ 645.00 ¹
Chapter 11 to Chapter 7 (debtor's or other party's motion)	\$ 15.00 ²
Chapter 12 to Chapter 7 (debtor's or other party's motion)	\$ 15.00 ²
Chapter 13 to Chapter 7 (debtor's or other party's motion)	\$ 15.00 ²
Chapter 12 to Chapter 7 (debtor's notice of conversion)	\$ 15.00 ³
Chapter 13 to Chapter 7 (debtor's notice of conversion)	\$ 15.00 ³

Except as provided above, there is no fee for converting a case from one chapter to another, whether at the request of the debtor or another party, even if the filing fee for the new chapter is greater than the filing fee for the old chapter.

¹ Due upon entry of an order converting the case.

² Due upon filing of the motion. If the trustee serving in the case before the conversion is the movant, this fee is payable only to the extent the estate that exists prior to conversion has funds with which to pay it.

³ Due upon filing of the notice of conversion.

(3) For deconsolidating a joint petition under:

Chapter 7	\$ 155.00
Chapter 11	\$ 800.00
Chapter 12	\$ 200.00
Chapter 13	\$ 155.00

(4) For filing a motion to reopen a Bankruptcy Code case under:

Chapter 7	\$ 155.00
Chapter 9	\$ 800.00
Chapter 11 (non-railroad)	\$ 800.00
Chapter 11 (railroad)	\$1,000.00
Chapter 12	\$ 200.00
Chapter 13	\$ 155.00

This fee is due upon the filing of a motion to reopen a case, unless the reopening is to correct an administrative error or for an action related to the debtor's discharge, as provided in LBR 5010-1. The Court may, under appropriate circumstances, waive this fee or defer payment from trustees pending discovery of additional assets.

(5) For filing certain amendments: \$ 26.00 per amendment

This fee applies only to amended schedules of creditors, lists of creditors, matrices, or mailing lists, other than amendments that only correct a previously listed creditor's address. The Court may, for good cause, waive the charge in any case.

(6) For filing certain motions: \$ 150.00

This fee applies only to motions to terminate, annul, modify, or condition the automatic stay, motions to compel abandonment, and motions to withdraw the reference of a case or proceeding. It does not apply to such motions filed by a child support creditor or a child support creditor's representative, if s/he files the form required by § 304(g) of the Bankruptcy Reform Act of 1994. It does not apply to motions to approve stipulations regarding such motions. Only one fee is due if such a motion requests more than one form of relief (*e.g.*, relief from the automatic stay and abandonment).

(7) For filing an adversary complaint: \$ 250.00

There is no fee for filing an adversary complaint if: (1) the United States, other than the United States Trustee acting as a case trustee, is the plaintiff; (2) a debtor is the plaintiff; (3) a trustee or a debtor in possession is the plaintiff and

no funds are available from the estate with which to pay such fee; or (4) a child support creditor or a child support creditor's representative is the plaintiff and the child support creditor or the child support creditor's representative files the form required by § 304(g) of the Bankruptcy Reform Act of 1994.

- (8) For filing a notice of appeal:** \$ 255.00

Each party filing a separate notice of appeal must pay a separate fee. Parties filing a joint notice of appeal need pay only one fee. If a trustee or a debtor in possession is the appellant, \$250 of the fee is payable only from the estate and only to the extent there are funds within the estate to pay it.

- (9) For filing a cross appeal:** \$ 255.00

If a trustee or a debtor in possession is the cross-appellant, \$250 of the fee is payable only from the estate and only to the extent there are funds within the estate to pay it.

- (10) For filing petitions ancillary to foreign proceedings:** \$ 830.00

The total fee includes a \$800.00 filing fee and a \$30.00 administrative fee.

- (11) For filing a document in a case/proceeding for which no filing fee has been paid:**
\$ 39.00

- (12) For copying documents:** \$.50 per page

This fee applies to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

- (13) For printing copies from Clerk's public access terminals** \$.10 per page

This fee applies to services rendered on behalf of the United States if the record or paper requested is remotely available through electronic access.

- (14) For certifying documents:** \$ 9.00 per document

This fee applies regardless of whether the certification is made directly on the document or by separate instrument.

- (15) For exemplifying documents:** \$ 18.00 per document

This fee applies regardless of whether the certification is made directly on the document or by separate instrument.

- (16) For records searches:** \$ 26.00 per name or item searched

This fee applies to any search of the Bankruptcy Court's records conducted by the Clerk or a Deputy Clerk. It applies to services rendered on behalf of the United States if the information requested is available through electronic access.

- (17) For internet access to imaged case files:** \$.08 per page

The total charge for any particular document may not exceed \$2.40. The Court may, for cause, exempt persons or classes of persons from this fee, in order to avoid unreasonable burdens and to promote public access to such information. This fee applies to the United States.

- (18) For handling NSF checks:** \$ 45.00 per check

- (19) For retrieving records:** \$ 45.00

This fee applies with respect to any records retrieved by the Clerk from a Federal Records Center, National Archives, or other storage location removed from the place of business of the Court.

- (20) For reproduction of recordings of proceedings:** \$ 26.00

This fee applies to services rendered on behalf of the United States if the reproduction of the recording is available electronically.

- (21) For handling registry funds:** varies

The Clerk assesses a fee in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts. The fee is assessed, regardless of the nature of the case underlying the investment.

- (22) For distributing copies of local rules:** varies

The Court may charge and collect fees commensurate with the cost of providing copies of the local rules of court.